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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/479,214	01/07/2000	MASAHIRO IWADATE	862.3202	2786
5514	7590	07/01/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			BRINICH, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2624	
DATE MAILED: 07/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/479,214	IWADATE, MASAHIRO	
	Examiner	Art Unit	
	Stephen M. Brinich	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 April 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-7,18-20 and 23-28 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,4-7,18-20 and 23-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/24/04, 4/8/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Response filed 4/8/05, with respect to claims 1-2, 4-7, 18-20, & 23-27 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hashimoto et al in view of Pipkins.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-2, 4-7, 18-20, & 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al in view of Pipkins.

Re claims 1-2, & 6-7, Hashimoto et al discloses (Figures 23-24; column 38, line 29 - column 39, line 39) an image generator for generating an image communicated from a host computer in page description language and converted to a bitmap

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form which is then recorded on a recording medium (column 3, line 65 - column 4, line 3). A controller for this process detects errors when they occur and issues a command to restart the image generation process when the errors are resolved.

Re claim 5, Hashimoto et al further discloses (column 4, lines 2-3) a scanner for reading an image and converting it to image data.

Re claims 18, Hashimoto et al further discloses (Figures 5-8) a display unit displaying a screen image for user instructions.

Hashimoto et al does not disclose a restart of the process in response to a failure to generate an instruction following a predetermined time.

Pipkins discloses (column 7, lines 28-49) an image processing device in which a reset (close operation, and optionally job cancellation, after which the device is reset to be ready for a new job) is carried out in response to the absence of an instruction response for a predetermined time.

Re claims 4, 19-20, & 23-24 (and dependent claims 25-28), Pipkins further discloses (column 7, line 35-37) operator notification of the error which caused an operation close or job cancellation. Specifically, Pipkins describes an example of a

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fatal error (a printer incapable of processing a given protocol).

Hashimoto et al and Pipkins are combinable because they are from the field of image processing and transmission for image forming.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the Pipkins judgment and notification of an error in response to a failure to receive response after a prespecified time.

The suggestion/motivation for doing so would have been to avoid the problem of a host waiting indefinitely (as described by Pipkins at column 7, lines 30-31).

Therefore, it would have been obvious to combine Hashimoto et al with Pipkins to obtain the invention as specified in claims 1-2, 4-7, 18-20, & 23-28.

Conclusion

4. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

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Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.

The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306 (571-273-8300 as of July 15, 2005).

Hand-carried correspondence may be delivered to the Customer Service Window, located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.


Stephen M. Brinich
Examiner
Art Unit 2624

smb
June 22, 2005